



STATE OF MAINE
DEPARTMENT OF CONSERVATION
MAINE LAND USE REGULATION COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0022

JOHN ELIAS BALDACCI
GOVERNOR

PATRICK K. MCGOWAN
COMMISSIONER

PERMIT

AMENDMENT B TO DEVELOPMENT PERMIT DP 3854

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by the Rockwood Trust for Amendment B to Development Permit DP 3854, finds the following facts:

1. Applicant: Rockwood Trust
Theresa Thabet and Christine Thabet, Trustees
c/o Michael L. Lane
P.O. Box 1210,
Bangor, ME 04402-1210
2. Date of Completed Application: July 30, 2004
3. Location of Proposal: Taunton and Raynham Township, Somerset County
Lots #1 and #2 on Plan 04, Map SO031
4. Lot Size: 29.58 Acres (under contract)
5. Zoning: (D-RS) Residential Development Subdistrict
(P-WL) Wetland Protection Subdistrict
6. Affected Waterbody: Moosehead Lake

The Commission has identified Moosehead Lake as a resource class 1A, management class 7, relatively accessible, relatively developed lake with outstanding fisheries, wildlife, scenic, botanical, cultural, and physical resources.

Background

7. The applicant's 29.58- acre lot along the shoreline of the West Outlet of Moosehead Lake was developed prior to the inception of the Land Use Regulation Commission with existing campsites, rental cabins, shower and bathhouses, associated sewage disposal facilities, various accessory structures, including a number of boardwalks, a boat ramp and an interior road network. Some of the existing structures are legally existing nonconforming with respect to the waterbody setback from Moosehead Lake.
8. Development Permit DP 3854, issued to the prior owner in December of 1987, authorized the construction of a seasonal cottage and the installation of a combined sewage disposal system.



PRINTED ON RECYCLED PAPER

CATHERINE M. CARROLL, DIRECTOR

www.maine.gov/doc/lurc
PHONE: (207) 287-2631
FAX: (207) 287-7439
(TTY): (207) 287-2213

9. Great Ponds Permit GP 320, issued to the prior owner in December of 1987, authorized the reconstruction of a retaining wall. Amendment A to Great Ponds Permit GP 320, issued in February of 2004, authorized reconstruction of the boardwalks and boat ramp and the installation of riprap along the shoreline.
10. Building Permit BP 12143, issued in September of 2003, reflected the transfer of a 1.6 acre parcel of land, developed with the seasonal camp (known as the white house) which was split from the Old Mill Campground complex (Ref: DP 3854) in June of 1999.

Proposal

11. The applicant seeks amendment approval to change the use of the property by terminating the commercial campground facility and to converting the use of the existing rental cabins for recreational use by family members and guests. The Trust will remain the sole fee owner of the property and the beneficiaries of the Trust and others will be permitted to use one or more of the five existing cottages on the property. The Trust intends to renovate the existing cottages as defined by the Commission. No changes to the plumbing and wastewater disposal system, or any change or increase to the footprint of the buildings are proposed at this time.

Review Criteria

12. Under provisions of Section 10.11,D,2 of the Commission's Land Use Districts and Standards, the proposed change of use from one nonconforming use (a commercial campground) to a private use using residential dwellings, which would be nonconforming with respect to building setbacks, requires a permit.
13. Under provisions of Section 10.21,H,3,c,(13) of the Commission's Land Use Districts and Standards, the proposed residential dwellings are an allowed use in a (D-RS) Residential Development Subdistrict.
14. Under provisions of Section 10.02, (129) of the Commission's Land Use Districts and Standards, "renovation" is defined as restoring or remodeling a structure. Renovation includes interior modifications, and the installation of new windows, floors, heating systems, or other features, as long as there is no expansion of the nonconforming structure and less than 50 percent of the building's structural components are replaced. The introduction of plumbing may constitute a change in use that requires a permit.
15. Under provisions of Section 10.11,B,5 of the Commission's Land Use Districts and Standards, a permit is not required for the renovation of legally existing nonconforming structures.

16. The facts are otherwise as represented in Development Permit Application DP 3854, Amendment B request, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposal, using nonconforming structures that have traditionally been used as part of a commercial campground to residential dwellings would be in conformance with provisions of the Commission standards. Specifically, using the structures for residential purposes would not have an undue adverse impact in that the minimum waterbody setback would be less nonconforming than the previous commercial use of the structures. Additionally, the proposed change in use is allowed with a permit in the (D-RS) Residential Development Subdistrict.
2. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B (4) of the Commission's Statutes, 12 M.R.S.A.

Therefore, the staff approves the application of Rockwood Trust with the following conditions:

1. The Standard Conditions (ver. 10/90), a copy of which is attached.
2. Upon final execution of the deed transferring title of this parcel of land, the permittee shall submit a copy of such deed for Commission records.
3. All conditions of Development Permit DP 3854 are superseded by conditions of this amendment.

This permit is approved only upon the proposal set forth in the application and supporting documents, except as modified in the above conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 3rd DAY OF NOVEMBER, 2004.

By: Catherine M. Carroll
Catherine M. Carroll, Director